



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Thomas Malzahn) Art Unit: 2856
)
Appln. No. : 09/901,636) Ex: A. Jackson
)
Filed : July 11, 2001)
)
For : DEVICE FOR DETERMINING THE)
FILLING LEVEL OF A FILLING)
MATERIAL IN A CONTAINER)

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Response
12/19/02
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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Receipt of the Office Action of August 14, 2002 is gratefully acknowledged.

Claims 1-10 were presented for examination. These were rejected as follows: (1) claims 1-4, 6 and 8-10 under 35 USC 102(e) over Müller et al; and (2) claims 1, 2, 5-8 and 10 as unpatentable under 35 USC 103 over Locke in view of Bellu et al.

These rejections are respectfully traversed. In this regard consider the following remarks.

REMARKS

(1)

In rejecting a claim(s) under 35 USC 102, each positively recited structural feature must be found in a single prior art reference. See, *In re Bond* 15 USPQ 2d 1566 (Fed. Cir. 1990). Accordingly, for Müller et al to anticipate claims 1-4, 6 and 8-10 it must disclose each and